

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DIVISION OF TEXAS
McALLEN DIVISION

PABLO LUCIO VASQUEZ

§

§

v.

§

§

No. 7:16-cv-115

WILLIAM STEPHENS, DIRECTOR

§

TEXAS DEPT. OF CRIMINAL JUSTICE

§

INSTITUTIONAL DIVISION

§

REPLY OF PETITIONER

1. Petitioner Pablo Lucio Vasquez replies to the opposition of respondent, William Stephens, the Director of the Texas Department of Criminal Justice, Institutional Division.

2. Vasquez would emphasize that he has made a substantial showing that he is mentally ill. The ARD Abstract of the Wil-Cam Pupil Services Cooperative was prepared in 1993, long before the murder which resulted in his conviction and sentence of death. Vasquez was examined by Dr. Diego Rodriguez-Escobar on 28 September 1998, and reported hearing voices, “a man’s voice kind of scary and it was telling me to kill somebody.” There is no suggestion in the report of Dr. Escobar that Vasquez was fabricating a story in an effort for sympathy, or to reduce his apparent culpability. Vasquez was interviewed by detective Ricardo Suarez on 23 April 1998, only days after the murder, and the internal consistency of the resulting statement is its own evidence of

truthfulness. At the risk of redundancy, Vasquez told detective Suarez that he heard voices in his head “telling me to kill him kill him”, that “something just told me drink, drink” (the blood of David Cardenas), and that the “devil was telling me to take it away from him” (the head of David Cardenas).

3. The Director argues that procedural default precludes the grant of habeas corpus relief. The Texas Court of Criminal Appeals did in fact dismiss the Ground for Relief raised herein by Vasquez as an abuse of the writ. However, *if*, as argued by Vasquez, the prohibition against cruel and unusual punishment of the 8th and 14th Amendments to the Constitution of the United States of America prohibit the execution of the mentally ill, Vasquez should not be executed regardless of procedural default.

Respectfully submitted,
Pablo Lucio Vasquez
Petitioner

By: /s/ James F. Keegan
James F. Keegan
Texas Bar No. 11155400
4421 Jim West Street
Bellaire, Texas 77401
713-668-4797
713-668-4798-facsimile
whynyet@sbcglobal.net
Attorney for petitioner

CERTIFICATE OF SERVICE

A copy of this reply of petitioner was electronically served upon Jeremy C. Greenwell, Assistant Attorney General, on 20 March 2016, by filing with the Clerk of the Court, United States District Court, Southern District of Texas, using the electronic filing system of the Court.

/s/ James F. Keegan
James F. Keegan